

TOWN OF HOLLAND PLAN COMMISSION  
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING  
W3005 County Road G, Cedar Grove, WI 53013  
Thursday, November 7, 2024 7:30pm

1. Call to order:  
Plan Commission Chair David Huenink called the meeting to order at 7:32pm.
2. Pledge of Allegiance:  
Chair David Huenink led the attendees in the Pledge of Allegiance.
3. Certify that the requirements of the Wisconsin Open Meetings law have been met:  
Plan Commission Clerk Janelle Kaiser certified that the requirements of the Wisconsin Open Meeting Law had been met. The agenda for this meeting was posted at the Holland Town Hall and on the Town's website. A public hearing notice was posted at the Holland Town Hall and on the Town's website and was published in the Sheboygan Press on October 24, 2024 and October 31, 2024.
4. Record retention certification:  
Plan Commission Clerk Janelle Kaiser stated record retention is up to date.
5. Roll call:  
Attendees: Chair David Huenink, Bryan Kaiser, Roy Teunissen, Craig Droppers – Alternate, Brody Stapel, Matthew Teunissen, Jack Stokdyk, and David Mueller.  
Absentee(s): Tom Huenink, Town Building Inspector.  
Signed-In Attendees: Diane Holstrom-Meisser, Kevin Kappers, Scott Davis, Peter Riese, Kenneth Tyler, Bin Murphy, Jo Murphy, Dave Velier, Ann Grittinger, Ann Calvert, Tom Benzmilller, Marlene Benzmilller, John Dickmann, Joseph Maniaci, Kristen Sheeran, Ken Hilbelink, Marjorie Hamann, Christy Smith, Ellen Anderson, Julie Theune, Lee Kaat, Kurt Nielsen, Amy Q Scott, Larry Britton, Judy Britton, Kathryn Potos, Koenen Potos, Susan Rose, Jeremy Cherny, Sara Cherny, Todd Johnson, Barbara Dallman, John Dallman, Brian Stuart, Diane Stuart, Susan LaBudde Esq., Julie Kuether, Ann Van Eerden, Michael Van Eerden, Douglas Hamilton, Karen Jones, Mary DeMaster, Lucy McCue, Ann Campione, Roy Ingelse, Jane Hamilton, John Patek and Nancy Patek.  
Other Attendees: Janelle Kaiser, Town Clerk-Treasurer and Zoning Administrator.
6. Adopt agenda as official order of business:  
Motion by Jack Stokdyk, seconded by Bryan Kaiser, to adopt the agenda for the November 7, 2024 Plan Commission meeting as presented; the motion carried by unanimous voice vote.
7. Plan Commission procedures and opportunities for improvement:  
Janelle Kaiser reported some improvements to Town application forms and application support documents.
8. Review/approve minutes of previous meeting(s):  
Motion by Brody Stapel, seconded by David Mueller, to approve the minutes from the October 7, 2024 Plan Commission meeting as presented during the November 7, 2024 Plan Commission meeting; the motion carried by unanimous voice vote.
9. Information for Plan Commission from Town Board:
  - a. Request by Gerald Davies for a minor land division and rezonings at N1586 Van Driest Lane:  
Chair Huenink reported that the Holland Town Board accepted the recommendation of the

Plan Commission at their October 14, 2024 board meeting and approved Gerald Davies' request for a minor land division and rezonings at N1586 Van Driest Lane, contingent on agreement regarding the structures on the northern parcel.

10. Building inspector items:

- a. Review building permits report:  
The Plan Commission reviewed the October 2024 building inspection report submitted by Building Inspector Tom Huenink.
- b. Review building permit requests needing Plan Commission review:  
None.
- c. Discuss follow-up items:  
None.

11. Public input:

- a. Janelle Kaiser was contacted by Rhonda Anderson of N1838 County Road KW (parcel 59006062852, 7.40 acres, zoned A-5) about a minor land division proposal. Rhonda has proposed to divide N1838 County Road KW to create a 3.582-acre parcel and a 3.825-acre parcel; the proposed 3.582-acre parcel would contain the existing dwelling and an accessory structure. Both resultant parcels would meet the requirements of the A-5 zoning district, a request for rezoning would not be required under the current proposal. The Plan Commission acknowledged that Rhonda could submit a minor land division application and requested that Janelle Kaiser confirm that no prior land division involved the property in the last 10 years in accordance with Town ordinances.
- b. Let these minutes show that there were numerous members of the public present to provide public input for agenda items 16 and 17. Public input during agenda item 11 proceeded for close to 2 hours. Let these minutes also show that meeting minutes are an official record of the proceedings of the governing body and not intended to be a transcript of said meeting. They must record the substance of what occurred at a meeting and should focus on what was done at the meeting, rather than what was said. Therefore, the following is a summarization of public comment provided at this time:
  - (1) Several members of the public inquired about notices provided by the Town for tonight's meeting topics and the Town processes followed for proposed ordinance drafting and adoptions.
  - (2) Inquiry about the legal opinion provided by the Town attorney about the use of the property at N2047 Pine Beach Road South. Some members of the public expressed disagreement with certain aspects of the legal opinion.
  - (3) There were several comments about the properties owned by American Orthodontics (AO) in the Town of Holland and their current and proposed use. Currently, there are three dwellings owned by AO on Foster Road South and one on Pine Beach Road South. Many expressed that the current and proposed use of the properties is commercial in nature, rather than residential, and does not comply with Holland Town Code §330-27 R-1 Single-Family Residence District, whereas the persons using the properties are there for business purposes. An inquiry was made about whether a deposit is required to stay at the properties. Some provided comments about the size and footprint of the dwelling at N2047 Pine Beach Road South and whether the structure meets building code requirements and ordinance requirements of Town, County, and State.

- (4) A member of the public inquired about a recent sale of the property at N1623 Alexander Lane and whether the Town had been contacted about any proposed future use of the property.
- (5) Several people expressed that the Town Plan Commission and Board should protect the interests of the public and consider their concerns. Some spoke of the legality of actions by the Town relating to the AO properties and to what degree certain actions were taken to prevent lawsuits.
- (6) Some spoke of short-term rental (STR) properties and their impact on the community, and others recognized that short-term rental activities are an allowed use for all residential property in the State of Wisconsin and that the Town license to regulate said STR uses provides the opportunity for recourse if ordinances are not being followed by STR property owners. There were comments about preserving the residential character, nature, and environment of their neighborhoods located in the R-1 Single Family Residence District.

As stated above, a summary of the comments provided during this agenda item is provided in these minutes. Let these minutes show that members of the public posed numerous questions and comments at this time, to some of which certain members of the Plan Commission responded. Let these minutes also show that Ken Tyler was among the people that spoke in opposition to the proposed use of AO's property at N2047 Pine Beach Road South and that he also verbally identified himself as a member of the Board of Appeals.

12. Exterior lighting on structures at W2730 County Road A South, on which property an existing conditional use permit allows operation of a business that offers indoor storage: A letter was sent by certified mail to the property owner on October 25, 2024, which provided a deadline of November 22, 2024 to install or provide written evidence of steps taken to complete installation of alternative exterior lighting fixtures on certain buildings on the property. The alternative fixtures should direct the light downward, rather than towards neighboring properties, or be modified, perhaps by installing a shield over the existing fixtures that directs the light downward. The Plan Commission previously reached consensus that the existing exterior lighting on certain buildings at W2730 County Road A South is adversely affecting neighboring properties.

The Plan Commission discussed the angle of the exterior light fixtures, noting that the site plan for the business shows that 90-degree wall pack lighting fixtures were to be installed on exterior walls of certain buildings, and it appears that 45-degree wall pack lighting fixtures may have been installed instead, thereby directing light out rather than down. Chair Huenink will send correspondence to the property owner prior to the next Plan Commission meeting.

The Plan Commission acknowledged that the Sheboygan County Sheriff's Department has not reported concerns to the Town about the existing lighting's traffic impact on State Road 32 and County Road A South.

13. Public hearings for:

- a. Request by Kenneth and Jodi Hilbelink rezonings at W4341 Dekker Road and parcel 59006061782 on Dekker Road:

Chair David Huenink called the public hearing for Kenneth and Jodi Hilbelink to order at 9:24pm.

The subject properties are located at W4341 Dekker Road (parcel 59006061781, 5.25 acres, zoned A-5) and parcel 59006061782 on Dekker Road (35.01 acres, zoned A-1). The request is to rezone 0.10 acres of 59006061781 from A-5 to A-1 and 0.10 acres of 59006061782 from A-1 to A-5.

Chair Huenink asked for additional comments from the public three times. There were no comments from the public.

Motion by Roy Teunissen, seconded by David Mueller, to close the public hearing for Kenneth and Jodi Hilbelink at 9:25pm; the motion carried by unanimous voice vote.

- b. Request by Brian Bruggink of Brian J and Julie K Bruggink Living Trust for a minor land division and rezonings of parcel 59006060331 on DeMaster Road and parcel 59006063682 on Kappers Road.

Chair David Huenink called the public hearing for Brian Bruggink to order at 9:26pm.

The subject properties are located at parcel 59006060331 on DeMaster Road (40.32 acres, zoned A-3) and parcel 59006063682 (0.15 acres, zoned P-2) on Kappers Road. The request is:

- (1) To create a new parcel by dividing 0.15 acres from parcel 59006060331 and rezone those 0.15 acres from A-3 to P-2.

- (2) To rezone parcel 59006063682 from P-2 to B-1.

Chair Huenink asked for additional comments from the public three times. A few members of the public asked that the request be explained in detail. Chair Huenink provided an explanation of the request.

Motion by Brody Stapel, seconded by David Mueller, to close the public hearing for Brian Bruggink at 9:30pm; the motion carried by unanimous voice vote.

- 14. Request by Kenneth and Jodi Hilbelink for rezonings at W4341 Dekker Road and parcel 59006061782 on Dekker Road:

Motion by Matthew Teunissen, seconded by Jack Stokdyk, to recommend that the Holland Town Board approve the request for rezonings by Kenneth and Jodi Hilbelink as shown on the plat of survey map submitted with the application, contingent upon Sheboygan County approval of the boundary line adjustment as shown on the aforementioned plat of survey.

The motion carried by unanimous roll call vote. Brody Stapel: Y; Roy Teunissen: Y; Matthew Teunissen: Y; Jack Stokdyk: Y; David Mueller: Y; Bryan Kaiser: Y; David Huenink: Y.

- 15. Request by Brian Bruggink of Brian J and Julie K Bruggink Living Trust for a minor land division and rezonings of parcel 59006060331 on DeMaster Road and parcel 59006063682 on Kappers Road:

The Plan Commission acknowledged that the purpose of this request is to exchange road right-of-way land to facilitate a road betterment project on DeMaster Road, and that per Holland Town Code 220-15F, parcel 59006060331 shall not be prohibited from future divisions for a period of 10 years if approved, whereas the primary intent of the proposed land division is to enable a public road right-of-way procurement by the Town of Holland.

Motion by Brody Stapel, seconded by Jack Stokdyk, to recommend that the Holland Town Board approve the request for a minor land division by Brian Bruggink as shown on the draft certified survey map submitted with the application, contingent upon Holland Town Board approval of the rezoning requests, and the request to rezone the proposed 0.15-acre parcel on DeMaster Road from A-3 to P-2 and parcel 59006063682 from P-2 to B-1. The Plan Commission recommends that Holland Town Board approval is also contingent upon:

- a. Land Division:

- (1) Receipt of a signed and recordable certified survey map that matches the draft map submitted with the application.

- (2) Holland Town Board and Village of Oostburg approval of the certified survey map, and upon that certified survey map being approved and executed by

Sheboygan County.

- (3) Holland Town Board acknowledgment that the resultant parcels shall not be prohibited from future land divisions for a period of 10 years, whereas the primary intent of the proposed land division is to enable a public road right-of-way procurement by the Town of Holland.

b. Rezoning:

- (1) Holland Town Board approval of the minor land division request.

The motion carried by unanimous roll call vote.

16. Review legal opinion and make recommendation to Board of Appeals:

On October 14, 2024, Town Attorney Eric Eberhardt provided a legal opinion to the Town that the proposed use of the dwelling at N2047 Pine Beach Road South complies with Holland Town Code §330-27 R-1 Single-Family Residence District. A Board of Appeals application to appeal the Town Attorney's interpretation that the proposed use of the dwelling at N2047 Pine Beach Road South complies with Holland Town Code §330-27 R-1 Single-Family Residence District was recently submitted by Attorney Ellen Andersen on behalf of David Valenti and Larry Britton.

Holland Town Code § 330-96 gives the Board of Appeals the power to hear and decide applications for interpretations of the zoning regulations and interpretations of the location of the boundaries of the zoning districts, after the Town Plan Commission has made a review and recommendation.

The Plan Commission reviewed materials included in the November 7, 2024 meeting packet, to include sections § 330-96, § 330-27., and § 330-9. of the Holland Town Code, a legal opinion from the Town Attorney about the proposed use of the property at N2047 Pine Beach Road South, and part of an application recently submitted to the Board of Appeals.

Motion by Jack Stokdyk, seconded by David Mueller, to recommend to the Town Board of Appeals that the Legal Opinion presented by the Town Attorney regarding this matter is correct in its interpretation and that:

- 1) The Owner's proposed use of the Property is not a commercial use.
- 2) That case law, general zoning principles, and public policy preclude the Town from prohibiting the Owner's proposed use of the subject property by its guests within the R-1 Zoning District. The motion carried by unanimous roll call vote.

A meeting of the Holland Board of Appeals is scheduled for December 4, 2024 at 7:00pm.

17. Public hearing for:

a. Ordinance to Amend Holland Town Code Chapter 330 – Zoning:

Chair David Huenink called the public hearing for proposed Ordinance 2024-09 to order at approximately 9:45pm. Chair Huenink asked for comments from the public three times.

Janelle Kaiser read a public comment into the record sent by email from an individual who was not able to attend the meeting.

A summary of the comments during this agenda item is provided as follows:

- (1) Varying opinions of the proposed ordinance to amend Chapter 330 of the Holland Town Code were provided. Some expressed clear opposition and requested that the ordinance not be acted on this evening. Many of the comments were posed as questions about the impact and intent of the proposed ordinance, while others suggested ways the proposed ordinance could be changed. Some expressed that the Town should not rush to adopt the proposed ordinance. There was comment that proper notice for the public hearing for the ordinance was not provided.

- (2) The proposed ordinance to amend Chapter 330 of the Holland Town Code currently includes adding a definition of “hospitality services” to Chapter 330 and adding “hospitality services” as a conditional use in the R-1 zoning district. The public inquired about whether regulation of hospitality services in single-family residential zoning districts has been implemented by other governments in Wisconsin; some expressed concern about what precedent would be set by implementing these changes. Some said:
  1. That hospitality services should not be allowed in the R-1 zoning district.
  2. That the definition of hospitality services should be expanded to be more restrictive.
  3. That the definitions in the Town’s existing ordinance are clear and don’t need to be amended.
- (3) Discussion about the purpose of conditional use permits and how they function.
- (4) Inquiry about whether an ordinance could regulate the maximum number of bedrooms in a single-family dwelling or limit the number of properties used for short-term rentals or hospitality services.
- (5) Comment that the dwelling under construction at N2047 Pine Beach Road South does not meet the intent of the R-1 zoning district. The ordinance change would allow repeat instances of the aforementioned dwelling and its use and constitute illegal spot zoning.
- (6) Comment that short-term rentals should not be allowed in R-1 zoning, and that any R-1 property in the Town could be a short-term rental as a result of the proposed ordinance being adopted.
- (7) Comment that fees should be increased for short-term rental licenses or any future hospitality services conditional use permit applications.
- (8) Request for clarification that any property zoned R-1 that conducts a hospitality services use, where such services constitute the primary use of the principal dwelling on the property, would be required to apply for a conditional use permit if the proposed ordinance were to be adopted by the Holland Town Board.
- (9) Comment that while hospitality services does not fit as a conditional use in the R-1 zoning district, if any fee is charged to stay at a property on a short-term basis, it is allowed to operate as a short-term rental if proper licensure is obtained.

Motion by Brody Stapel, seconded by Matthew Teunissen, to close the public hearing for Ordinance 2024-09 to Amend Holland Town Code Chapter 330 – Zoning at 11:17pm; the motion carried by unanimous voice vote.

18. Ordinance to Amend Holland Town Code Chapter 330– Zoning:

Motion by Brody Stapel, seconded by Matthew Teunissen, to table action on proposed Ordinance 2024-09 Amending and Creating Provisions of Chapter 330 of the Code of the Town of Holland, Sheboygan County, Wisconsin; the motion carried by unanimous voice vote.

19. Town Agreement for a Temporary Permit to Allow an Accessory Building on a Parcel Without a Dwelling Present for Gerald and Jeanne Davies at N1586 Van Driest Lane:

Motion by Brody Stapel, seconded by David Mueller, to approve the Town Agreement for a Temporary Permit to Allow Accessory Buildings on a Parcel Without a Dwelling Present for Gerald and Jeanne Davies at N1586 Van Driest Lane as presented during the November 7, 2024 Plan Commission meeting; the motion carried by unanimous voice vote.

20. Termination of conditional use permit dated February 1, 2021 issued to David and Mary Gronik at N1025 Cole Rd, parcel 59006076560:

The Plan Commission previously reviewed the existing conditional use permit and assessor record for the property. A conditional use permit (CUP) for the property was issued to David and Mary Gronik in February 2021 to allow more than two accessory structures on the Premises, but not to exceed three accessory structures. The CUP required the permit holders to begin construction of the accessory buildings allowed by the permit within 3 years. Since construction deadlines required by the permit have expired and construction of the buildings has not commenced, the Plan Commission previously acknowledged that the permit is subject to termination.

As authorized by the Plan Commission, Janelle Kaiser sent a letter to the property owners on October 24, 2024 requesting their consent to waive the requirement for the Town to hold a public hearing prior to termination of the CUP. The letter was signed and returned by the property owners.

Motion by Jack Stokdyk, seconded by Roy Teunissen, to terminate the existing conditional use permit issued to David and Mary Gronik, recorded by the Sheboygan County Register of Deeds on February 18, 2021, at N1025 Cole Road (now known as W1761 Milford Track Lane) to allow more than two accessory structures on the Premises, but not to exceed three accessory structures, whereas the conditional use has not continued in conformity with the conditions of the permit, specifically condition 1.(c), which states, "The Petitioner shall start construction of the accessory structures within one (1) year of the date of the granting of this Permit and the accessory structures must be completed within three (3) years of the date of granting of this Permit. If these timelines are not complied with, this Permit is subject to termination unless an extension is granted by the Town of Holland Plan Commission."

The motion carried by unanimous roll call vote.
21. Conditional zoning and options for its use in the Town of Holland:

No information to report.
22. Ongoing issues:
  - a. Applications being processed:

The Plan Commission acknowledged progress on the applications being processed.
23. Public input:
  - a. Inquiry about possible future actions of the Plan Commission if conditions of the conditional use permit for W2730 County Road A South are not followed, specifically the adverse impact to neighboring properties as a result of the current exterior lighting on structures installed on certain buildings.
  - b. Statement of appreciation of the Plan Commission's time.
24. Review/approve attendance records for previous meeting:

Motion David Mueller, seconded by Bryan Kaiser, to approve the attendance records as presented; the motion carried by unanimous voice vote.
25. Adjourn:

Motion Jack Stokdyk, seconded by Roy Teunissen, to adjourn at 11:25PM; the motion carried by unanimous voice vote.